

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)
COMPANY, an insurance company
Incorporated in the State of Iowa;)

V.) CIVIL ACTION NUMBER

OLLIE WADSWORTH; and) 2:05 CV 602-T

JOSEPH M. PEIL,)
)
Defendants.)
)

RESPONSE TO FIRST AMENDED COMPLAINT
FOR DECLARATORY JUDGMENT

Comes now Defendant Ollie Wadsworth and responds to the Plaintiffs First Amended Complaint for Declaratory Judgment as follows:

AFFIRMATIVE DEFENSES

For its affirmative defenses to the Amended Complaint, Wadsworth pleads the following:

FIRST DEFENSE

The Amended Complaint fails to state a claim for which relief can be granted.

SECOND DEFENSE

The Plaintiff's Amended Complaint is barred by the doctrines of waiver and/or estoppel.

THIRD DEFENSE

Wadsworth generally denies each and every material allegation of the Complaint and demands strict proof thereof.

ANSWER

1. Admitted.
2. Admitted.
3. This Defendant lacks sufficient information to admit or deny the allegations of paragraph 3 of the Amended Complaint.
4. Admitted.
5. Denied.

UNDERLYING LAWSUIT

6. Admitted.

POLICY PROVISIONS

7. Admitted.
8. Denied.
9. Denied.

REQUESTED RELIEF

Regarding the unnumbered paragraph containing the Plaintiff's request for relief, the Defendant denies that the Plaintiff is entitled to any of the relief requested.

DONALD R. JONES, JR., P.C.

/s/ Donald R. Jones, Jr.

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Attorneys for Defendant, Ollie Wadsworth

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Donald R. Jones, Jr.